

MEMORANDUM

October 11, 2021

TO: Transportation and Environment Committee
Public Safety Committee

FROM: Leslie Rubin, Senior Legislative Analyst, Office of Legislative Oversight
Blaise DeFazio, Senior Legislative Analyst, Office of Legislative Oversight

SUBJECT: **Worksession on OLO Report 2021-10: *A Study on Reassigning Traffic Enforcement from the Police Department to the Department of Transportation***

**COUNCILMEMBERS PREVIOUSLY RECEIVED ELECTRONIC COPIES OF
REPORT 2021-10 AND SHOULD HAVE IT FOR THE WORKSESSION.**

On October 14th, the joint T&E and PS Committees will discuss OLO Report 2021-10, which was released on July 27th. This report responds to the Council's request to examine traffic enforcement in the County and to report on the feasibility and the implications of reassigning the routine traffic enforcement from the Montgomery County Police Department (MCPD) to the Montgomery County Department of Transportation (MCDOT). The Executive Summary for Report 2021-10 appears on ©1.

The following Executive Branch staff are scheduled to be available at the worksession to provide comments and answer questions:

Montgomery County Police Department	Chief Marcus Jones Assistant Chief Marc Yamada
Montgomery County Department of Transportation	Christopher Conklin, Director Michael Paylor, Chief of Traffic Emil Wolanin, Deputy Director for Operations
Vision Zero	Wade Holland, Vision Zero Coordinator
Office of the County Attorney	Haley Roberts, Assistant County Attorney

REPORT SUMMARY

This section summarizes key findings from Report 2021-10. Comments on these findings from Chief Administrative Officer Richard Madaleno are attached at ©5.

Discussing both in-person traffic enforcement and automated traffic enforcement (e.g., speed and red light cameras), this report describes County traffic enforcement strategies, structure, and legal basis; the Vision Zero program and its relationship to traffic enforcement; and research on alternate means of traffic enforcement in other jurisdictions. The report also describes national research on racial bias in traffic enforcement and strategies to reduce bias. OLO's major findings are summarized below:

- Maryland law governs traffic enforcement and empowers police officers to enforce traffic laws. Montgomery County cannot unilaterally remove this authority from MCPD due to MD law. The County can change internal policies and procedures regarding traffic enforcement
- Roadway design and operation play the fundamental role in achieving the County's Vision Zero goal of ending serious and fatal collisions, with traffic enforcement and education programs as important compliments to safe street design.
- MCPD traffic enforcement and Vision Zero are focused on ending serious or fatal collisions. In FY20 MCPD began targeting the most dangerous driving behavior violations (e.g., distracted driving, speeding, impairment, aggressive driving) and in FY22 created a Centralized Traffic Unit.
- Montgomery County's use of automated traffic enforcement reduces drivers' speed and reduces the likelihood that a crash results in a fatal or incapacitating injury.
- National research shows that racial disparity in traffic stops by police officers is seen primarily in traffic stops where officers stop vehicles for technical traffic code violations, not because a driver was driving in a dangerous or unsafe manner. National research also has found much less racial disparity in traffic stops for the most dangerous driving behaviors.
- Many stakeholders advocate for increased equitable use of automated traffic enforcement, such as speed cameras, because the technology provides an efficient means of traffic enforcement with little opportunity for racially disparate outcomes.

OLO RECOMMENDATIONS & DISCUSSION ITEMS

Based on the findings of Report 2021-10, OLO has two recommendations and two discussion items:

Recommendations

- 1. Continue to fund the County’s Vision Zero program and the expanded use of automated traffic enforcement technology.** Redesigning and reconfiguring the County’s roadway system so that driving mistakes do not lead to serious injury or death is key to fully realizing the County’s Vision Zero plan. Reaching that milestone will take many years and billions of dollars in funding. Until then, traffic enforcement will play a primary supporting role in the County’s Vision Zero implementation. Automated traffic enforcement is a highly efficient way to address some of the most dangerous driver behaviors – speeding and failure to obey traffic signals at intersections – and provides racially-neutral enforcement when implemented in an equitable way (e.g., equitable placement of cameras, using rear-facing cameras).
- 2. Ask the County Executive to identify, evaluate, and implement changes to County traffic enforcement policies and procedures that do not require changes to state law.** Jurisdictions around the country have made changes to traffic enforcement policies and procedures in pursuit of various goals – primarily seeking to end racial disparities in traffic enforcement and reducing serious injuries. Many implemented changes without the need to change state or local laws. County-issued directives such as MCPD Function Code 1000 on traffic management allow the County to establish police traffic enforcement policies and procedures and provide direction to officers on implementation.

Discussion Items

- 1. Several types of changes to Maryland law could further the Council goals of promoting fairness and reducing bias, improving safety and efficiency, and implementing Vision Zero.** Examples include:
 - Expand where Montgomery County is authorized to place speed and red light cameras;
 - Change MDOT SHA’s review process for County proposals to place red light cameras at state intersections;
 - Decriminalize traffic code violations that do not present roadway safety hazards;
 - Make non-safety-related traffic code violations secondary offenses under state law; and
 - Institute an annual state-required vehicle inspection program and significantly curtail police officers’ use of safety equipment repair orders in Maryland.
- 2. If the Council is interested in moving traffic enforcement responsibilities from the Montgomery County Police Department to the County’s Department of Transportation, the Council should advocate for the necessary changes to state law.**